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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,773

Applicant(s)

LAWRENCE ET AL.

Examiner

HASANUL MOBIN

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14, 16-20, 23-26, 38 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 16-20, 23-26, 38 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/5/2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This communication is in response to the amendment filed on March 9, 2009. Claims 9, 15, 21-22, 27-37, 39-40 and 42-53 have been canceled. Therefore, claims 1-8, 10-14, 16-20, 23-26, 38 and 41 are pending in the application for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3, 5-8, 11-12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. (US Patent No. 6,380,924, 'Yee', hereafter, previously provided) in view of Teruo et al. (US Patent Number 6,907,577, provided by the applicant's IDS).

Regarding claim 1, Yee teaches a computer based system that receiving, with the capture processor, a plurality of keystrokes associated with an application (Yee provide the ability to record all keystrokes together needed for an action in any application, Yee, Col 4, lines 40-43);

processing, with the capture processor, each keystroke to determine an associated action forming a plurality of associated actions in the application (Yee Fig. 6B and 6C illustrates the recording and processing each keystroke forming actions, Yee, Col 9, lines 35-60);

determining, with the capture processor, an event that has occurred in the application based at least in part on the plurality of associated actions (Yee, FIG. 6C illustrates the recording and playback mode occurred of the keystroke and mouse actions in reference to the application, Yee, Col 9, lines 35-60 and Fig. 6C).

Yee does not teach that

wherein the associated action is determined based at least in part by matching the keystroke to an entry in a keystroke table that associates keystrokes with actions in the application, the plurality of keystrokes forming a plurality of associated actions.

However, Tervo teaches that

wherein the associated action is determined based at least in part by matching the keystroke to an entry in a keystroke table that associates keystrokes with actions in the application, the plurality of keystrokes forming a plurality of associated actions (Tervo discloses a keystroke database having a number of keystrokes associated with a

number of screens. Each keystroke may perform a different function or be associated with a different field based upon which screen of the possible screens that is currently active. Tervo also discloses a computer program determines that the ALT key in combination with another key has been depressed on a keyboard. It then identifies the current screen that is active. It then accesses a keystroke database to determine a field or function associated with the key depressed and the screen that is currently active. Then it activates the field locator module when the keystroke database indicates a field is desired for the key depressed, or it activates a function when the keystroke database indicates a function is desired for the key depressed, Tervo, Abstract and Col 2, lines 3-28. Tervo, Col 5, lines 30-46 and Fig. 6 illustrates that when a user presses ALT C – ALT Q the processor captures these actions, matches with the Keystroke database as in Fig. 2 and produce a blank client field and calls the client building function as an event. For similar actions and events please see Tervo, Col 5, line 47 – Col 6, line 12 and Fig. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Yee and Tervo before him/her to modify Yee with the teaching of Tervo's system and method for accessing screen fields, functions and programs using a simple single key stroke. One would have been motivated to do so for the benefit of having a keystroke database where the keystrokes are associated with the applications active screen and windows and each keystroke may perform a different function or be associated with a different field based upon which

screen of the possible screens that is currently active as taught by Tervo (Tervo, Col 2, lines 1-15).

Regarding claim 2, Yee as modified teaches that determining an application in focus (software program recognizes the specialist keystrokes and launches its application, Yee, Col 4, lines 1-2).

Regarding claim 3, Yee as modified teaches that determining that the plurality of associated actions forms a word or words and wherein the event is a number of words (For example, in a word processor application, a user may have to learn the operating system of the host computer to logon and enter the correct directory to open a document file. The user needs to know the application program to open the file and save the data. In the MCR environment, one can record all the keystrokes and mouse actions needed to take the user to the data entry point of any application, Yee, Col 4, lines 39-43).

Regarding claim 5, Yee as modified teaches that determining, with the capture processor, that the plurality of associated actions form a character or characters and wherein the event is a number of characters (a skill person in the art knows that characters are associated with various graphical symbols and characters make up word and word or words make up events).

Regarding claim 6, Yee as modified teaches that updating, with the capture processor, a capture state after each keystroke is processed (in the MCR environment, one can record all the keystrokes and mouse actions to play the event of an action such as open file, save file etc. in a word processing software, Yee, Col 4, lines 39-43).

Regarding claim 7, Yee as modified teaches that updating, with the capture processor, a current user state based at least in part on the event (in the MCR environment, one can record all the keystrokes and mouse actions to play the event of an action such as open file, save file etc. in a word processing software, Yee, Col 4, lines 39-43).

Regarding claim 8, Yee as modified that indexing and storing the event with the capture processor_(The MCR can be used as a monitoring device in a monitoring mode to capture a computer user's entries to a computer system. The entries can be stored in a mass storage device for future retrieval of the user's activities, Yee, Col 5, lines 15-19. These actions may be stored on a mass storage device such as a hard disk drive, floppy disk, optical disk, tape, or zip-type cartridge. Optionally, the data can be stored in a mass storage device, read into an editor, altered or modified, uploaded into the MCR memory and then replayed, Yee, Col 10, lines 55-60).

Regarding claim 11, Yee does not teach that the keystroke table is associated with the application and wherein different applications are associated with different keystroke tables.

However, Tervo teaches that the keystroke table is associated with the application and wherein different applications are associated with different keystroke tables (Tervo discloses keystroke database (i.e., table) where the keystrokes are associated with the applications active screen and windows and each keystroke may perform a different function, Tervo, Abstract, Col 2, lines 3-28. Skill person in the art

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would be able to make the changes to associate different application with different keystroke table).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Yee and Tervo before him/her to modify Yee with the teaching of Tervo's system and method for accessing screen fields, functions and programs using a simple single key stroke. One would have been motivated to do so for the benefit of having a keystroke database where the keystrokes are associated with the applications active screen and windows and each keystroke may perform a different function or be associated with a different field based upon which screen of the possible screens that is currently active as taught by Tervo (Tervo, Col 2, lines 1-15).

Regarding claim 12, Yee does not teach that the keystroke table is a generic keystroke table.

However, Tervo teaches that the keystroke table is a generic keystroke table (keystroke database, Tervo, Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Yee and Tervo before him/her to modify Yee with the teaching of Tervo's system and method for accessing screen fields, functions and programs using a simple single key stroke. One would have been motivated to do so for the benefit of having a keystroke database where the keystrokes are associated with the applications active screen and windows and each keystroke may perform a different function or be associated with a different field based upon which

screen of the possible screens that is currently active as taught by Tervo (Tervo, Col 2, lines 1-15).

Regarding claims 26, although claim 26 is directed to a computer-readable medium; it is similar in scope to claim 1. It would be obvious to implement the method of claim 1 on a computer-readable medium; the method of claim 1 would inherently involve the need for the method to be implemented on a computer-readable medium. The method steps of claim 1 substantially encompass the computer-readable medium recited in claim 26 therefore; claim 26 is rejected for at least the same reason as claim 1 above.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. (US Patent No. 6,380,924, 'Yee', hereafter, previously provided) Tervo et al. (US Patent Number 6,907,577, provided by the applicant's IDS) and further in view of Cason et al. (US Patent Number 4,410,957, 'Cason', hereafter, previously provided).

Regarding claim 4, Yee and Tervo do not teach that the word or words are determined at least in part by the receipt of at least one keystroke indicating a space or a punctuation symbol.

However, Cason teaches that the word or words are determined at least in part by the receipt of at least one keystroke indicating a space or a punctuation symbol (Typical typamatic keys are the space bar, backspace, carrier return and cursor motion keys, Cason, Col 3, lines 38-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Yee, Tervo and Cason before him/her to further modify Yee as modified with the teaching of Cason. One would have been motivated to do so for the benefit of having an efficient keyboard interface with software component as taught by Cason (Cason, Col 1, lines 5-10).

Regarding claim 10, Yee and Tervo do not teach that the action comprises one of adding a character to a word, deleting a character from a word, inserting a character, overwriting a character, deleting a word, deleting a paragraph, selecting an item, and repositioning the cursor.

However, Cason teaches that the action comprises one of adding a character to a word, deleting a character from a word, inserting a character, overwriting a character, deleting a word, deleting a paragraph, selecting an item, and repositioning the cursor (Data is moved, copied or deleted from a display in the text processing machines by setting a cursor at the first character to be deleted or the last character to be deleted and then moving the cursor through a textual display in either a vertical or horizontal direction or a combination thereof, Cason, Col 3, lines 49-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Yee, Tervo and Cason before him/her to further modify Yee as modified with the teaching of Cason. One would have been motivated to do so for the benefit of having an efficient keyboard interface with software component as taught by Cason (Cason, Col 1, lines 5-10).

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6. Claim 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tervo et al. (US Patent Number 6,907,577, provided by the applicant's IDS) in view of Tada et al. (US PGPub No. 2003/0041112, 'Tada', hereafter, provided by the applicant's IDS).

Regarding claim 13, Tervo teaches that

determining, with the capture processor, an event in an application that has occurred based at least in part on a plurality of associated actions, wherein associated actions are determined based at least in part on matching user input comprising a plurality of keystrokes to entries in a keystroke table that associate the keystrokes with actions in the application, the plurality of keystrokes forming the plurality of associated actions (*Tervo discloses a keystroke database having a number of keystrokes associated with a number of screens. Each keystroke may perform a different function or be associated with a different field based upon which screen of the possible screens that is currently active. Tervo also discloses a computer program determines that the ALT key in combination with another key has been depressed on a keyboard. It then identifies the current screen that is active. It then accesses a keystroke database to determine a field or function associated with the key depressed and the screen that is currently active. Then it activates the field locator module when the keystroke database indicates a field is desired for the key depressed, or it activates a function when the keystroke database indicates a function is desired for the key depressed, Tervo, Abstract and Col 2, lines 3-28. Tervo, Col 5, lines 30-46 and Fig. 6*

illustrates that when a user presses ALT C – ALT Q the processor captures these actions, matches with the Keystroke database as in Fig. 2 and produce a blank client field and calls the client building function as an event. For similar actions and events please see Tervo, Col 5, line 47 – Col 6, line 12 and Fig. 7-8);

Tervo does not teach that

determining, with the capture processor, an importance of the event; and selectively, with the capture processor, indexing the event responsive to the importance of the event

However, Tada teaches that

determining, with the capture processor, an importance of the event; and selectively, with the capture processor, indexing the event responsive to the importance of the event (Tada, Fig. 5-7 illustrates that the registration control program registers and stores the electronic mail message received from the electronic mail message server in the memory. The operations performed by the task history recording program and the task history attachment document management information generation program. Then the task history recording program analyzes the subject field or line of each electronic mail message stored in the work area and determines whether a predetermined identification string is present in the subject field to indicate that the electronic mail message is a task message. If this determination indicates that no identification string is present in the subject field (i.e., event is not important), control proceeds to step, where the electronic mail message is sent to the destination user without performing any registration operations. If the determination indicates that an identification string is

present in the subject field (i.e., event is important), the electronic mail message is assumed to be a task message that is to be registered in the database. The series of operations starting with step are then executed, Tada, [0065-0068]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Tervo and Tada before him/her to modify Tervo with the teaching of Tada's method and system for storing and managing electronic mail. One would have been motivated to do so for the benefit of automating and fewer system resource use while capturing, recording and indexing events such as extracting, recording attachments to the electronic mail message system.

Regarding claim 38, although claim 38 is directed to a computer-readable medium; it is similar in scope to claim 13. It would be obvious to implement the method of claim 13 on a computer-readable medium; the method of claim 13 would inherently involve the need for the method to be implemented on a computer-readable medium. The method steps of claim 13 substantially encompass the computer-readable medium recited in claim 38 therefore; claim 38 is rejected for at least the same reason as claim 13 above.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tervo et al. (US Patent Number 6,907,577, provided by the applicant's IDS) in view of Tada et al. (US PGPub No. 2003/0041112, 'Tada', hereafter, provided by the applicant's IDS) and further in view of Yee et al. (US Patent No. 6,380,924, 'Yee', hereafter, previously provided).

Regarding claim 14, Tervo and Tada do not teach that user input is one or more of a number of words determined from the plurality of keystrokes, a number of characters determined from the plurality of keystrokes, and a change in focus from the application to another application.

However, Yee as modified teaches that user input is one or more of a number of words determined from the plurality of keystrokes, a number of characters determined from the plurality of keystrokes, and a change in focus from the application to another application (in the MCR environment, one can record all the keystrokes and mouse actions to play the event of an action such as open file, save file etc. in a word processing software. In this environment one can record all the keystrokes and mouse actions needed to take the user to the data entry point of any application Yee, Col 4, lines 39-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Tervo, Tada and Yee before him/her to further modify Jade as modified with the teaching of Yee's mouse/keyboard capture recorder (MCR) apparatus and methodology. One would be motivated to do so for the benefit of recording all the keystrokes and mouse actions needed to take the user to the data entry point of any application as taught by Yee (Yee, Col 4, lines 39-43).

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8. Claims 16, 19-20, 23-25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jade et al. (US Pub Number 2003/0001854, provided by the applicant's IDS) in view of Tada et al. (US PGPub No. 2003/0041112, 'Tada', hereafter, provided by the applicant's IDS).

Regarding claim 16, Jade teaches that

receiving, with the capture processor, a plurality of display calls associating with an application (Jade teaches that these graphic capturing techniques can be applied directly to any controls, buttons, windows and/or any other display objects that can be invoked (display calls) by an application, Jade, [0010-0011], [0023-0024]);

processing, with the capture processor, the plurality of display calls to determine a display produced by the application (Jade, [0026] and [0034]).

determining, with the capture processor, an event that has occurred, based at least in part on the display (Jade, [0034]).

Jade does not teach that

determining, with the capture processor, an importance of the event; and
selectively, with the capture processor, indexing the event responsive to the importance of the event

However, Tada teaches that

determining, with the capture processor, an importance of the event; and
selectively, with the capture processor, indexing the event responsive to the importance of the event (Tada, Fig. 5-7 illustrates that the registration control program registers and

stores the electronic mail message received from the electronic mail message server in the memory. The operations performed by the task history recording program and the task history attachment document management information generation program. Then the task history recording program analyzes the subject field or line of each electronic mail message stored in the work area and determines whether a predetermined identification string is present in the subject field to indicate that the electronic mail message is a task message. If this determination indicates that no identification string is present in the subject field (i.e., event is not important), control proceeds to step, where the electronic mail message is sent to the destination user without performing any registration operations. If the determination indicates that an identification string is present in the subject field (i.e., event is important), the electronic mail message is assumed to be a task message that is to be registered in the database. The series of operations starting with step are then executed, Tada, [0065-0068]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Jade and Tada before him/her to modify Jade with the teaching of Tada's method and system for storing and managing electronic mail. One would have been motivated to do so for the benefit of automating and fewer system resource use while capturing, recording and indexing events such as extracting, recording attachments to the electronic mail message system.

Regarding claim 19, Jade as modified teaches that updating, with the capture processor, a capture state after each display call is processed (the patches allow for

the capture of the various graphics primitives (display calls) and associated attributes of the primitives that are drawn to the user interface, Jade, [0011], lines 15-17).

Regarding claim 20, Jade as modified teaches that updating, with the capture processor, a current user state based at least in part on the event (a "calling process" is the process that utilizes the invention to capture the one or more graphics primitives of a display object (display elements) that can be invoked by the various application programs on the computer, Jade, [0023]).

Regarding claim 23, Jade as modified teaches that the display is determined at least in part by using an array of a current state of the display and updating the array with the display call (This descriptive information can include parameters such as the type of display object (dialog box, menu, window, etc.) and its current state (active/inactive). Context information also includes system information such as the API calls and/or function calls made by the target application to render the display object to a user interface, the object handle or resource ID, the specific location of files called during execution of the display object, and any other information that provides a general context for the text that is displayed to the user interface screen 191 during the execution of the target process or application, Jade, [0026]. In addition it is also well known in the art that display is an array of the pixels and the current state of the display would be determined by the array of the pixels).

Regarding claim 24, Jade as modified teaches that the display is determined at least in part by constructing display items based at least in part on display positions of

the display calls (a display object is invalidated each time a user resizes the display object or moves it to a different position within the user interface, Jade, [0039]).

Regarding claim 25, Jade as modified teaches that processing the plurality of display calls to determine a display comprises analyzing one or more of the x,y coordinates, lengths, and relative positions of a plurality of items written to the display using display calls (Jade teaches the graphics primitives include drawing elements (display items) such as text characters or strings, lines, arcs, polygons, etc., and have associated attributes that define its visual appearance such as font size, line length, and arc length, Jade, [0023], lines 7-11. In addition, the x,y coordinates and relative positions are well known in the art especially in graphical user interface (GUI)).

Regarding claim 41, although claim 41 is directed to a computer-readable medium, it is similar in scope to claim 16. It would be obvious to implement the method of claim 16 on a computer-readable medium; the method of claim 16 would inherently involve the need for the method to be implemented on a computer-readable medium. The method steps of claims claim 16 substantially encompass the computer-readable medium recited in claim 41 therefore; claim 41 is rejected for at least the same reason as claims claim 16 above.

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jade et al. (US Pub Number 2003/0001854, provided by the applicant's IDS) in view of Tada et al. (US PGPub No. 2003/0041112, 'Tada', hereafter, provided by the

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applicant's IDS) and further in view of Yee et al. (US Patent No. 6,380,924, 'Yee', hereafter, previously provided).

Regarding claim 17, Jade and Tada do not teach that determining an application in focus (software program recognizes the specialist keystrokes and launches its application).

However, Yee teaches that determining an application in focus (software program recognizes the specialist keystrokes and launches its application, Yee, Col 4, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Jade, Tada and Yee before him/her to further modify Jade as modified with the teaching of Yee's mouse/keyboard capture recorder (MCR) apparatus and methodology. One would be motivated to do so for the benefit of recording all the keystrokes and mouse actions needed to take the user to the data entry point of any application as taught by Yee (Yee, Col 4, lines 39-43).

Regarding claim 18, Jade and Tada do not teach that determining, with the capture processor that the display includes a word or words and wherein the event is a number of words

However, Yee teaches that determining that the display includes a word or words and wherein the event is a number of words (For example, in a word processor application, a user may have to learn the operating system of the host computer to

logon and enter the correct directory to open a document file. The user needs to know the application program to open the file and save the data. In the MCR environment, one can record all the keystrokes and mouse actions needed to take the user to the data entry point of any application, Yee, Col 4, lines 39-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Jade, Tada and Yee before him/her to further modify Jade as modified with the teaching of Yee's mouse/keyboard capture recorder (MCR) apparatus and methodology. One would be motivated to do so for the benefit of recording all the keystrokes and mouse actions needed to take the user to the data entry point of any application as taught by Yee (Yee, Col 4, lines 39-43).

Response to Arguments

10. Applicant's arguments with respect to claims 1-8, 10-14, 16-20, 23-26, 38 and 41 have been considered but are moot in view of the new ground(s) of rejection.

11. In response to applicant's arguments on page 11 about claim 1 that "Cason therefore does not disclose a table that include entries associating keystrokes with actions in an application", against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case,

Yee and the new reference Tervo teaches this argued limitation of claim 1 and respectfully submitted herein above in the rejection of the claim 1.

12. In response to applicant's arguments on page 12 about claim 16 that Yee and Jade does not disclose or suggest determining the importance of events or selectively indexing events, against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the new reference Tada teaches this argued limitation of claim 16 and respectfully submitted herein above in the rejection of the claim 16.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HASANUL MOBIN** whose telephone number is (571)270-1289. The examiner can normally be reached on Monday Thru Friday 5:30 to 1:00 and Saturday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/
Supervisory Patent Examiner, Art
Unit 2168

Art Unit: 2168

/H. M./

Examiner, Art Unit 2168